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Attorneys for Defendant and Counter-Claimant
TRENT WEST

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

C&C JEWELRY MFG., INC.,

Plaintiff,

v.

TRENT WEST,

Defendant.

And Related Counterclaims

Case No. 09-cv-01303-JF (HRL)

**STIPULATION AND [PROPOSED]
ORDER OF DISMISSAL WITHOUT
PREJUDICE OF COUNT IV AND 3RD
COUNTERCLAIM PURSUANT TO
FEDERAL RULE OF CIVIL PROCEDURE
41(a)(1)(A)(ii)**

1 WHEREAS Plaintiff C&C Jewelry Manufacturing, Inc., ("C&C") brought suit against
 2 Defendant Trent West ("West") seeking, *inter alia*, declaratory judgment of non-infringement,
 3 invalidity and unenforceability of U.S. Patent No. 6,990,736 ("the '736 patent") (Count IV);

4 WHEREAS, West filed a counterclaim against C&C for infringement of the '736 Patent;

5 WHEREAS, C&C and West have agreed to dismiss all claims related to the '736 Patent;

6 WHEREAS, based on the above agreement, C&C agrees to dismiss without prejudice
 7 Count IV of C&C's Complaint, and West agrees to dismiss without prejudice West's Third
 8 Counterclaim of West's Answer and Counterclaims, so that the parties can narrow the issues
 9 involved in this litigation to the remaining counts of its Complaint.

10 IT IS HEREBY STIPULATED by and between C&C and West, through their designated
 11 counsel, that Count IV of the Complaint and the Third Counterclaim of the Answer and
 12 Counterclaims are hereby DISMISSED WITHOUT PREJUDICE pursuant to Federal Rule of Civil
 13 Procedure 41(a)(1)(A)(ii). Each party shall bear its own costs and attorneys' fees as to Count IV.

14
 15 Respectfully stipulated to by:

16 KING & KELLEHER, LLP

SCHEEF & STONE, LLP

17
 18 By: /s/ Edward Vincent King, Jr.
 19 Edward Vincent King, Jr.

By: /s/ John G. Fischer
 John G. Fischer

20 Attorneys for Defendant
 21 TRENT WEST

Attorneys for Plaintiff
 C&C JEWELRY MFG., INC.

22 Date: July 7, 2011

Date: July 7, 2011

FILER'S ATTESTATION

Pursuant to General Order No. 45, Section X (B) regarding signatures, I, Edward Vincent King, Jr., attest that concurrence in the filing of this document has been obtained.

/s/ Edward Vincent King, Jr.

Edward Vincent King, Jr.

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: July 20, 2011



Hon. Jeremy Fogel
United States District Judge